COMMENT SET 3

California Regional Water Quality Control Board
San Diego Region

Internet Address: http://www.swrcb.ca.gov/~rwqcb9/
9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324
Phone (858) 467-2952 • FAX (858) 571-6972

March 9, 2001

California State Lands Commission
100 Howe Ave., Suite 100 South
Sacramento, CA 95825

ATTN: Goodyear Walker

Subject: **North Jetty Restoration, Agua Hedionda Lagoon**

Dear Mr. Walker,

We have received the subject documents and offer the following comments. We are also providing some additional information regarding the possible regulatory requirements for the subject project since this information has not been selected to be project-specific. Some of the information might not apply to this project.

We would like to see the following questions/concerns addressed in your Environmental Impact Report regarding the subject project:

a) Would the proposed project create a potentially significant adverse environmental impact to drainage patterns or the rate, or quantity of surface water and runoff?

b) Would the proposed project result in discharges into surface waters during or following construction, or in any way lead to a significant alteration of surface water quality including, but not limited to temperature, dissolved oxygen, turbidity or other typical urban storm water pollutants (e.g., metals, pathogens, synthetics, organics, sediment, nutrients, oxygen demanding substances.)?

c) Would the proposed project have a potentialiy significant adverse impact to groundwater flow though the alteration of pressure head (water table level) within the aquifer or though the interception of groundwater flow via cuts or excavation?

d) Would the proposed project result in the loss or degradation of any beneficial uses that have been designated for the water bodies that will be directly or indirectly affected by the project?

e) What mitigation measures are being proposed to eliminate or compensate for the adverse effects identified in (a) through (d) above?

3.1

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Permits

There are six potential permits or approvals that might be needed from the Regional Quality Control Board during the life of a project. Additional information on these permits is provided to assist you in determining the permits that may be required for the proposed project; as well as to encourage project design modifications that may assist in obtaining all needed permits from the RWQCB or SWRCB.

During the construction and development phases of a project, the project could be subject to any one or more of four types of RWQCB permits or approvals. These include; (1) the Statewide National Pollutant Discharge Elimination System (NPDES) General Construction Activity Storm Water Permit, (2) the Clean Water Act 401 water quality Certification, (3) General Dewatering Permit, and (4) Dredging Permit. Upon completion of construction, and throughout the project's operational life, the project may be also subject to one or both of the following two types of RWQCB permits: (1) NPDES permit for any point source discharge of wastes to surface waters; and (2) State Waste Discharge Requirements (WDRs) for any waste discharge to land. Examples of discharges to land requiring WDRs include landfills, reclaimed water discharges from sewage treatment plants for irrigation purposes, sand and gravel operations, and animal confinement facilities.

Water quality degradation is regulated by the Federal National Pollutant Discharge Elimination System (NPDES) Program, established by the Clean Water Act, which controls and reduces pollutants to water bodies from point and non-point discharges. In California, the program is administered by the California Regional Water Quality Control Boards. The Regional Board issues NPDES permits for discharges to water bodies in the San Diego area, including Municipal (area- or county-wide) Storm Water Discharge Permits.

Construction SWPPP

Projects disturbing more than five acres of land during construction must be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Construction Activity. This can be accomplished by filing a Notice of Intent (NOI). The project sponsor must propose and implement control measures that are consistent with this State Construction Storm Water General Permit, and with recommendations and policies of the local agency and the RWQCB.

Industrial SWPPP

Projects that include facilities with discharges of Storm Water Associated with Industrial Activity must be covered under the State NPDES General Permit for Discharges of Storm Water Associated with Industrial Activity. This may be accomplished by filing a Notice of Intent. The project sponsor must propose control measures that are consistent with this, and with recommendations and policies of the local agency and the RWQCB. In a few cases, the project sponsor may apply for (or the RWQCB may require) issuance of an individual (industry- or facility-specific) permit.

Municipal SWPPP

The RWQCB's San Diego Urban Runoff Municipal Permit requires San Diego area municipalities to develop and implement Storm Water Management Plans (SWMPs) The SWMPs must include a program for implementing new development and construction site storm water quality controls. The objective of this component is to ensure that appropriate measures to control pollutants from new development are: considered during the planning phase, before construction begins; implemented during the construction phase; and maintained after construction, throughout the life of the project.

Water Quality Certification

The RWQCB must certify that any permit issued by the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act (covering, dredging, or filling of wetlands) complies with state water quality standards. Section 401 Water Quality Certification, or waiver, is necessary for all 404 Nationwide Permits, reporting and non-reporting, as well as individual permits.

Wetlands enhance water quality through such natural functions as flood and erosion control, stream bank stabilization, and filtration and purification of contaminants. Wetlands also provide critical habitats for hundreds of species of fish, birds, and other wildlife; offer open space; and provide many recreational opportunities. Adverse Water quality impacts can occur in wetlands from construction of structures in waterways, dredging, filling, and, otherwise altering the drainage to wetlands.

All projects must be evaluated for the presence of jurisdictional wetlands. Destruction or impact to wetlands should be avoided. Water quality certification may be denied based on significant adverse impacts to "Waters of the State." The goals of the California Wetlands Conservation Policy, include ensuring "no overall net loss and achieving a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values." In the event wetland loss is unavoidable, mitigation will be preferably in-kind and on-site, with no net destruction of habitat value. Mitigation will preferably be completed prior to, or at least simultaneous to, the filling or other loss of existing wetlands.

Successful mitigation projects are complex tasks and difficult to achieve. This issue will be strongly considered during agency review of any proposed wetland fill. Wetland features or ponds created as mitigation for the loss of existing "jurisdictional wetlands" or "waters of the United States" cannot be used as storm water treatment controls.

CEQA requires monitoring of all mitigation efforts as a condition of project approval. Although monitoring programs are not required to be included in environmental documents, it is helpful to know what sort of mitigation monitoring the applicant intends to implement, and who will be accountable for seeing that any proposed mitigation's are successfully executed.

Project/ Site Planning

Evidence of filing for a NOI and development of a SWPPP should be a condition of development plan approval by all municipalities. Implementation of the SWPPP should be enforced during

construction via appropriate options such as citations, stop work orders, or withholding occupancy permits. Impacts identified should be avoided and minimized by developing and implementing the following.

The project should minimize impacts from project development by incorporating appropriate site planning concepts. This should be accomplished by designing and proposing site planning options as early in the project planning phases as possible. Appropriate site planning concepts to include, but are not limited to the following:

- Phase construction to limit areas and periods of impact.
- Minimize directly connected impervious areas.
- Preserve natural topography, existing drainage courses and existing vegetation.
- Locate construction and structures as far as possible from streams, wetlands, drainage areas, etc.
- Reduce paved area through cluster development, narrower streets, use of porous pavement and/or retaining natural surfaces.
- Minimize the use of gutters and curbs that concentrate and direct runoff to impermeable surfaces.
- Use existing vegetation and create new vegetated areas to promote infiltration.
- Design and lay out communities to reduce reliance on cars.
- Include, green areas for people to, walk their pets, thereby reducing build-up of bacteria, worms, viruses, nutrients, etc. in impermeable areas, or institute ordinances requiring owners to collect pets' excrement.
- Incorporate low-maintenance landscaping.
- Design and lay out streets and storm drain systems to facilitate easy maintenance and cleaning.
- Consider the need for runoff collection and treatment systems.
- Label storm drains to discourage dumping of pollutants into them.

Construction- Phase Management

Erosion Prevention

The project should minimize erosion and control sediment during and after construction. This should be done by developing and implementing an erosion control plan, or equivalent plan. This plan should be included in the SWPPP. The plan should specify all control measures that will be used or which are anticipated to be used, including, but not limited to, the following:

- Limit access routes and stabilize access points.
- Stabilize denuded areas as soon as possible with seeding, mulching, or other effective methods.
- Protect adjacent properties with vegetative buffer strips, sediment barriers, or other effective methods.
- Delineate clearing limits, easements, setbacks, sensitive areas, vegetation and drainage courses by marking them in the field.
- Stabilize and prevent erosion from temporary conveyance channels and outlets.
- Use sediment controls and filtration to remove sediment from water generated by dewatering or collected on-site during construction. For large sites, stormwater settling basins will often be necessary.
- Schedule grading for the dry season (May-Sept.)

Chemical and Waste Management

The project should minimize impacts from chemicals and wastes used or generated during construction. This should be done by developing and implementing a plan or set of control measures. The plan or control measures should be included in the Storm Water Pollution Prevention Plan. The plan should specify all control measures that will be used or which are anticipated to be used, including, but not limited to, the following:

- Designate specific areas of the site, away from streams or storm drain inlets, for storage, preparation, and disposal of building materials, chemical products, and wastes.
- Store stockpiled materials and wastes under a roof or plastic sheeting.
- Store containers of paint, chemicals, solvents, and other hazardous materials stored in containers under cover during rainy periods.
- Berm around storage areas to prevent contact with runoff.
- Cover open Dumpsters securely with plastic sheeting, a tarp, or other cover during rainy periods.
- Designate specific areas of the site, away from streams or storm drain inlets, for auto and equipment parking and for routine vehicle and equipment maintenance.
- Routinely maintain all vehicles and heavy equipment to avoid leaks.

- Perform major maintenance, repair, and vehicle and equipment washing off-site, or in designated and controlled areas on-site.
- Collect used motor oil, radiator coolant or other fluids with drip pans or drop cloths. Store and label spent fluids carefully prior to recycling or proper disposal.
- Sweep up spilled dry materials (cement, mortar, fertilizers, etc.) immediately—do not use water to wash them away.
- Clean up liquid spills on paved or impermeable surfaces using "dry" cleanup methods (e.g., absorbent materials, cat litter, rags) and dispose of cleanup materials properly.
- Clean up spills on dirt areas by digging up and properly disposing of the soil.
- Keep paint removal wastes, fresh concrete, cement mortars, cleared vegetation, and demolition wastes out of gutters, streams, and storm drains by using proper containment and disposal.

We appreciate the opportunity to comment on the subject environmental document and look forward to your response. If you have any questions regarding our concerns or questions, please do not hesitate to contact me at (858) 467-2705 or at lemop@rb9.swrcb.ca.gov.

Sincerely,

Paul Lemons

RESPONSE TO COMMENT SET 3

3.1 The EIR evaluated all of the issues identified in items a) through e) in pages 4.2-1 through 4.2-21.

COMMENT SET 4

DEPARTMENT OF FISH AND GAME
MARINE REGION
20 LOWER RAGSDALE DRIVE, SUITE 100
MONTEREY, CA 93940
(831) 649-2870

April 24, 2001

Mr. Goodyear K. Walker
State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825

Dear Mr. Walker :

The Department of Fish and Game (Department) has reviewed your Notice of Preparation for a Draft Environmental Impact Report (DEIR) for the Agua Hedionda Lagoon Northern Inlet Jetty Restoration Project, Carlsbad, San Diego County, California (SCH 2001031104). The proposed project would restore the northern arm of the existing tidal inlet structure, comprised of two jetties, at the mouth of Agua Hedionda Lagoon. Approximately 200 linear feet of jetty would be restored to the northern arm, contained in the original historical footprint. Project construction would occur during the winter and would take approximately three months to complete.

The Department is a Trustee Agency in terms of the California Environmental Quality Act. Our primary objective for reviewing environmental documents is to be able to provide the project sponsor with recommendations for avoiding or minimizing negative impacts to fish and wildlife, their use and users. In attempting to meet this objective, our attention is usually focused upon potential habitat damage or loss, acute or chronic effects to fish and wildlife from changes in habitat quality, and possible use conflicts.

In our review of your DEIR we will need to be able to identify and evaluate all activities in both the construction and operational phases of the project which may impact fish and wildlife populations or their habitats, energy supplies, and reproductive requirements. We will also need to be aware of how and where the project would modify opportunities for use and enjoyment of those living resources by the people of the State. 4.1

Existing fish and wildlife populations, habitat uses and types, and human uses such as fishing, in and adjacent to the project area, should be identified and described. The DEIR should contain complete descriptions and maps of these habitats, including acreages. The presence of any vegetated intertidal or subtidal areas at the project site is always of particular concern to the Department. Any potential impacts which relate to these resource values should also be thoroughly described, and discussed in conjunction with compensation for unavoidable, project- 4.2

induced losses. It is the Department's position that a project should cause no net loss of intertidal acreage or habitat value. Compensation for direct impacts to fish and wildlife habitat should be proposed in the form of habitat replacement, restoration, and improvement.

The Department is concerned with shoreline erosion issues. Your report should address sediment transport and discuss deflected wave or water current energy attributed to extension of the northern jetty. We need to be able to consider any influences on water currents, flushing, sedimentation, and normal sediment transport. 4.3

Construction materials should be identified and impacts discussed. Where rip-rap or rubble is to be used, materials should be considered for use which are of suitable diameter to approximate natural rock habitat. 4.4

Potential water quality problems which should be addressed include litter, petroleum products, cleaning agents and wash down waters, and other toxic or oxidizable materials which may enter the water during construction operations. Where dredging and dredge material disposal are concerned, the DEIR should describe the areal extent and types of habitat impacted, identify the volume of materials and proposed location of disposal, and discuss the quality of sediments to be removed. 4.5

Special consideration must be given in the DEIR to adverse impacts which may occur to rare, threatened, or endangered species. Information regarding these species, and potential impacts, can be procured from the appropriate federal (U.S. Fish and Wildlife Service) and State (Department) resource agencies. 4.6

We thank you for the opportunity to express our concerns and look forward to reviewing your DEIR. As always, Department personnel are available to discuss our comments, concerns, and recommendations in greater detail. To arrange for a discussion, please contact Ms. Marilyn Fluharty, Environmental Specialist, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (858) 467-4231.

Sincerely,

Robert N. Tasto, Supervisor
Project Review and Water Quality Program
Marine Region

RESPONSE TO COMMENT SET 4

4.1 The EIR evaluates the impacts of the proposed Project on biological resources, and identifies mitigation measures in pages 4.1-32 through 4.1-38.

4.2 The EIR evaluates the impacts of the proposed Project on biological resources, and identifies mitigation measures in pages 4.1-1 through 4.1-41.

4.3 The EIR evaluates the impacts of the proposed Project on coastal process and resources that might be impacted by changes in the coastal processes. The sections on Hydrology and Water Quality (pages 4.2-1 through 4.2-21), Aesthetics/Visual Resources (pages 4.3-1 through 4.3-6), and Recreation (pages 4.4-1 through 4.4-14) all contain evaluations of the effects of the proposed Project on coastal processes, the resulting impacts, and the mitigation measures necessary to reduce the identified impacts.

4.4 The EIR identifies the proposed construction materials on pages 2-8 through 2-12 and evaluates impacts in Sections 4.0 (pages 4-1 through 4-9) and 4.1 Biology (pages 4.1-32 through 4.1-39).

4.5 The EIR discusses water quality in the section on Hydrology and Water Quality on pages 4.2-1 through 4.2-21. There is no dredging either proposed as a part of the Project, or identified as mitigation. There is mitigation that includes the disposal of dredged sand on North Beach, Middle Beach, and South Beach. The impacts of placing sand on these beaches is evaluated in the sections on Biological Resources (pages 4.1-1 through 4.1-45, Hydrology and Water Quality (pages 4.2-1 through 4.2-21), Aesthetics/Visual Resources (pages 4.3-1 through 4.3-6), and Recreation (pages 4.4-1 through 4.4-14).

4.6 The EIR considers the effects of the proposed Project on rare, threatened, or endangered species in the section on Biological Resources (pages 4.1-1 through 4.1-45).